



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 37809-0018

Applicant(s) Richard G. SHEETS

Confirmation No.: 9322

Appl. No.: 09/989,192

Examiner: Ivars C. Cintins

Filing Date: November 21, 2001

Art Unit: 1724

Title: RECLAMATION OF MATERIALS IN A CLOSED ENVIRONMENT WITH
REMEDIAL WATER

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
NOV 18 2002
TC 1700

Sir:

Applicant herein responds to the restriction requirement dated October 16, 2002
(Paper No. 5).

Applicant elects with traverse the claims of Group II (claims 25-32 and 34-44).
Applicant, of course, reserves the right to file one or more divisional applications
covering the subject matter of the non-elected claims.

Applicant elects with traverse the remedial water species of alkaline ECA water,
and for claims 38-39 elects as a contaminated species, heavy metal such as mercury.
The use of alkaline ECA water is embraced by the scope of all claims. Treatment of
mercury containing wastes is embraced by all claims.

The election of species is traversed because this requirement is inconsistent with
reality of embodiments of the claimed invention. Applicant points out that waste
materials are not homogenous and, in fact contain many substances such as lead,
cadmium, mercury, PAH's and so on that are simultaneously treated by embodiments
of the invention. Accordingly, all claims embrace both selected species.

Nevertheless, applicant notes that claim 34 lists four species and that among these four, carbonate free radical is selected, if an election of species is required for this claim. Mercury is selected for claims 38-39. Consideration and entry respectfully are requested.

A first office action on the merits is awaited.

Respectfully submitted,



Date: November 15, 2002

HELLER EHRMAN WHITE &
MCAULIFFE
1666 K Street, NW, Suite 300
Washington, DC 20006
Phone: (202) 912-2000
Fax: (202) 912-2020

Marvin A. Motsenbocker
Attorney for Applicant
Registration No. 36,614



26633

PATENT TRADEMARK OFFICE